

**Saul Ewing**

Richard A. Forsten

Phone: (302) 421-6833

Fax: (302) 421-5869

RForsten@saul.com

www.saul.com

November 28, 2012

Jeff S. Jordan, Esquire  
Supervisory Attorney  
Complaints Examination & Legal Administration  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Re: MUR 6637

Dear Mr. Jordan:

I write in response to your letters of September 24, 2012 in the above-referenced matter on behalf of Christopher M. Marston, Treasurer for Kovach for Congress, Inc., and for Kevin Anglim, who worked for the campaign committee during the summer of 2012, before leaving the campaign on August 18 to return to college (together, the "Kovach Campaign"). The letters enclosed a September 5, 2012 complaint filed by the husband/campaign manager of Ms. Rose Izzo. Ms. Izzo ran and lost in the Delaware Republican primary held September 11 to be the Delaware Republican Party's congressional candidate.

The complaint alleges that two Facebook postings made by Mr. Anglim violate FEC regulations regarding disclaimers and copies of the postings were enclosed with the complaint. The two Facebook postings promote Tom Kovach over Rose Izzo and make reference to a website unaffiliated with the Kovach campaign called www.WipeUpTheMess.com which highlights certain facts about Ms. Izzo and which the Izzo campaign no doubt would have preferred Republican primary voters not learn.

However, FEC disclaimer regulations do not apply here. Section 110.11(a) sets forth the list of communications requiring a disclaimer. These include "public communications" made by a political committee, bulk electronic mail to more than 500 recipients when sent by a political committee, and all internet websites of political committees. All "electioneering communications" also require disclaimers. See 11 CFR §110.11(a). However, a Facebook posting is none of these things. It is not a "public communication," an electronic email, an internet website, or an electioneering communication. Thus, no disclaimer is required.

P.O. Box 1266 • Wilmington, DE 19899-1266 • Phone: (302) 421-6800 • Fax: (302) 421-6813  
Courier Address: 222 Delaware Avenue, Suite 1200 • Wilmington, DE 19801-1611

DELAWARE MARYLAND MASSACHUSETTS NEW JERSEY NEW YORK PENNSYLVANIA WASHINGTON, DC

A DELAWARE LIMITED LIABILITY PARTNERSHIP

13044342582

RECEIVED  
2012 DEC -3 PM 2:17  
OFFICE OF THE  
COMMISSIONER

November 28, 2012

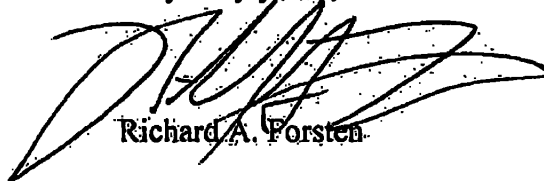
Page 2

Further, the website www.WipeUpTheMess.com was not created by, sponsored by, or affiliated with the Kovach campaign. The website no longer appears to exist and the Kovach Campaign does not know who created it. Thus, to the extent the complaint could be read to suggest that the Kovach Campaign is somehow at fault for any FEC violations by the website, this claim is also without merit.

For the foregoing reasons then, we believe the complaint to be without merit. However, to the extent relevant, we also note that the two Facebook postings were made on September 4 and September 10, 2012 – after Mr. Anglim left the campaign and was back at college in New York. Thus, at that time, he was not working as a representative of the campaign and any actions he undertook were purely his own and not the actions of the Kovach Campaign.

We trust that this letter adequately responds to the allegations of the complaint; however, if you require any further information, or have any questions, please do not hesitate to contact us.. Thank you.

Very truly yours,



Richard A. Forsten

13044342583



FEDERAL ELECTION COMMISSION  
999 E Street, NW  
Washington, DC 20463

OFFICE OF LEGAL  
COUNSEL

2012 DEC -3 PM 2:17

FEDERAL ELECTION  
COMMISSION

STATEMENT OF DESIGNATION OF COUNSEL  
Please use one form for each Respondent/Entity/Treasurer  
FAX (202) 219-3923

MUR # \_\_\_\_\_

NAME OF COUNSEL: RICHARD A FORSNN

FIRM: SAUL EWING LLP

ADDRESS: 222 DELAWARE AVE STE 1200

WILMINGTON DE 19899

TELEPHONE- OFFICE (302) 421-6833

FAX (302) 421-5869

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

11/26/12  
Date

[Signature]  
Respondent/Agent Signature

TRASORRA  
Title (Treasurer/Candidate/Owner)

NAMED RESPONDENT: CHRISTOPHER M MARSTON

MAILING ADDRESS: PO BOX 26141  
(Please Print)

ALEXANDRIA VA 22313

TELEPHONE- HOME \_\_\_\_\_

BUSINESS (571) 482-7690

Information is being sought as part of an investigation being conducted by the Federal Election Commission and if confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

Rev. 2006

13044342584